IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

OP.No. 11765 of 2002(A)

PETITIONER:

K.A.VIJAYAN, KUNNATHUMYALIL,
MUVADA P.O., MEENACHIL TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.K.G.PAVITHRAN
SMT.K.P.AMBIKA

RESPONDENTS:
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1. THE DIRECTOR OF PANCHAYATS,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF PANCHAYATS,
KOTTAYAM.

3. THE ACCOUNTS OFFICER,
K.P.E.P.F., DIRECTORATRE OF PANCHAYATHS (ANNEX),
THAMPANOOR, TRIVANDRUM.

BY GOVERNMENT PLEADER, SRI.V.T.K.MOHAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 20350 OF 2002 IN O.P.No. 11765 OF 2002

DISMISSED.

SD/-
26/7/07. T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ORDER NO.E1.6041/2001 DT.28-9-2001, PROCEEDINGS OF THE DY. DIRECTOR OF PANCHAYATS, KOTTAYAM.

EXT. P2: COPY OF THE LETTER OF THE 2ND RESPONDENT (LETTER NO.A2.6519/2001 DT.27-8-2001.

EXT. P3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DT. 23-1-2002.

/TRUE COPY/

P.A. TO JUDGE

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T.R.RAMACHANDRAN NAIR, J.

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O.P.No.11765 of 2002-A.

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Dated this the 26th day of July, 2007.

J U D G M E N T

The petitioner retired from service on attaining superannuation on 30.9.2001 as Secretary of Thalappalam Grama Panchayat. This Original Petition has been filed for a direction to the respondents to pay the provident fund amount in the provident fund account and the Death cum Retirement Gratuity due to him and also the pension.

2. In the statement filed on behalf of the respondents it is avered that the Provident Fund amount of Rs.1,47,364/- has been drawn and disbursed to the petitioner on 25.6.2002 by the 2nd respondent. As regards the DCRG it is stated that 75% of the same has also been released to the petitioner and the balance DCRG will be released after finalising the liabilities in accordance with G.O.(P).No.274/86/Fin dated 31.3.1986. It is averred in the statement that the Assistant Director of Panchayats, Kottayam who is the pension sanctioning authority in the case of the petitioner has sanctioned pensionary claims as per letter No.E3.8269/01 dated 25.5.2002. It is also averred that the balance DCRG will be released shortly after receipt of Non Liability/Liability Certificate from the offices where the petitioner had worked. It is also evident from the statement that the petitioner was under

suspension during a particular period and the same has not been regularised by the Government and that action is being taken by the 2nd respondent to regularise the period of suspension so that the period can also be reckoned as qualifying service for pension.

3. The learned counsel for the petitioner therefore submitted that a direction may be issued to finalise the liability, if any, and disburse the balance amount of DCRG to the petitioner. Therefore, there will be a direction to the respondents 2 and 3 to take required steps for regularising the period of suspension for reckoning the same as qualifying period for pension and to release the balance amount of DCRG after finalising the liability, if any, within a period of two months from the date of receipt of a copy of this judgment.

The Original Petition is disposed of as above. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-